CF 150F Sing Bench (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. No. 3729 **of 2004**

PETITIONER Pradeep Kumar Patel, S/o. Laxmi nidhi Patel, aged 33 years, Occupation – Service (Panchayat Karmi/Sachiv) Village-Panchayat Dhanagar, Block – Tahsil & District – Raipur (C.G.)

P.R. No. 3730/04 Presented by Shri Imran Ikram dated 06-10-2004

VERSUS

RESPONDENTS 1) State of Chhattisgarh
Through Secretary Panchayat and Social Welfare C.G. Govt. Raipur

2) Deputy Director Panchayat and Social Welfare, District – Raigarh

3) Chief Executive Officer Janpad Panchayat, Raigarh, District-Raigarh.

4) Director Panchayat Chhattisgarh – Raipur (C.G.)

RECEIVED COPY Clerk to A.G. Bilaspur

6/10/04

WRIT PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(68)

आदेश पत्रक

मामला क्रमांक W.P. 3729/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2.11.2004

On a mention being made, the matter is taken-up for hearing.

Smt. Hamida Siddique, counsel for the petitioner.

Shri Sanjay S. Agrawal, Govt. Advocate for the State/ respondents.

With the consent of both the counsel, the petition is heard finally and being disposed of.

The petitioner has preferred this writ petition being aggrieved by order dated 29.9.2004, whereby the stay granted in favour of the petitioner in Appeal Case No.288/A-89/2003-04 has been vacated.

The petitioner, who was working as Panchayat Secretary, Village Panchayat Dhanagar, was terminated by respondent No.2 vide order dated 6.9.2004 against which he preferred an appeal before the Collector. The Collector dismissed the appeal and thereafter, the petitioner preferred this appeal (Appeal Case No.288/ A-89/2003-04) before the Director, Panchayat. Vide order dated 6.9.2004, the Director, Panchayat, stayed the operation of the order passed by the Collector, till the receipt of record, and the matter was directed to be listed on 27.10.2004. However, on 25.9.2004 one Badrinath Patel and two others of Gram Panchayat Dhanagar moved an application for early hearing and even they were not party in the appeal. On their application, notice of early hearing was issued to the petitioner and the petitioner requested for grant of time on the ground that he is not well. However, the learned Director vacated the order by the impugned order in the absence of the petitioner.

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

69

आदेश पत्रक

मामला क्रमांक WP/8229/ सन् 200 4

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

When the petitioner send a fax that he is not well and he also submitted a medical certificate, in the circumstances, the Director, Panchayat, ought to have given some more time to the petitioner for representation of his case. Even otherwise, perusal of the impugned order shows that no reason has been assigned for vacating the stay.

Therefore, in the circumstances, it is appropriate to direct the Director, Panchayat, to dispose of the appeal within a period of one month and till then, stay the operation of order dated 29.9.2004.

Accordingly, the writ petition is disposed of with a direction that the Director, Panchayat, shall dispose of the appeal itself within one month from the date of receipt of a copy of this order and till then, the petitioner should not be asked to handover the charge, if already not handed over.

In view of this order, M.(W.)P.No.4156/2004 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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